

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREE LAZOR,

Petitioner,

v.

MATTHEW ATCHLEY, et al.,

Respondent.

Case No. [21-cv-04038-EMC](#)

ORDER OF DISMISSAL

Free Lazor, a pro se prisoner detained at Salinas Valley State Prison, filed the instant petition for a writ of habeas corpus (“2021 Petition”). Docket No. 1. The 2021 Petition is now before the Court for review pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

The 2021 Petition must be dismissed because the relief sought is not available in a habeas action. Petitioner seeks to obtain photocopies of a previous habeas petition filed in the United States District Court for the Northern District of California. *See* Pet. at 2. Specifically, Petitioner seeks photocopies of documents filed in *Lazor v. Warden CDC Systems*, Case No. 5:99-cv-20586-RMW (N.D. Cal. filed June 29, 1999) (“1999 Petition”). *See id.* Photocopies are not available in habeas. Rather, habeas offers a remedy for those prisoners who seek “‘immediate or speedier release’” from confinement. *Skinner v. Switzer*, 562 U.S. 521, 533-34 (2011). “Where the prisoner’s claim would not ‘necessarily spell speedier release,’ however, suit may be brought under § 1983.” *Id.* A § 1983 action is the exclusive remedy for claims by state prisoners that do not “lie at the ‘core of habeas corpus.’” *Nettles v. Grounds*, 830 F.3d 922, 931 (9th Cir. 2016) (en banc) (citation omitted). Because Petitioner does not seek release in the 2021 Petition, it must be

DISMISSED.

For Petitioner's benefit, the Court notes that the 1999 Petition was dismissed on February 12, 2002. *See* Docket No. 78, 1999 Petition. The case file for the 1999 Petition was shipped to the Federal Records Center on August 10, 2011. *See* United State Courts, Judiciary Policies: Court Records, *available at* <https://www.uscourts.gov/rules-policies/judiciary-policies> (last visited Dec. 28, 2021) (providing for court records to be sent to the appropriate Federal Records Center after a certain time period). The National Archives provides information regarding how to obtain court documents from the appropriate Federal Records Center. *See* National Archives, Obtaining Copies of Court Records in the Federal Records Centers, <https://www.archives.gov/research/court-records/order-copies> (last visited Dec. 28, 2021).

IT IS SO ORDERED.

Dated: December 29, 2021



EDWARD M. CHEN
United States District Judge